

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY SEPTEMBER 28, 2009**, following Public Hearings and the meetings of certain Committees at 6:00 p.m., in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Meeting of Council	August 10, 2009
Public Hearings: Bills Numbered: 09-26, 09-27, 09-28, 09-29, 09-31, 09-32 and 09-37	August 24, 2009
Regular Council Meeting	August 24, 2009

PUBLIC DISCUSSION - Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

PRESENTATION TO BERKELEY COUNTY 4-H CLUB

PROCLAMATION honoring **Berkeley County 4-H Club** and proclaiming October 4-10, 2009, as National 4-H Week.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 09-26, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tommy Boals**, 1134 Clements Ferry Road, Wando, **TMS #263-00-01-013** (31.86 acres) **from F-1, Agricultural District to PD-MU, Planned Development Mixed Use District.** Council District No. 8.
[Recommended by Committee on Land Use]

2. Bill No. 09-33, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Forsberg Engineering** for GSR Jedburg LLC,

located at the intersection of Jedburg Road & Drop Off Drive, Summerville, **TMS #207-00-01-090** (31.44 acres), **from LI, Light Industrial District to PDRC, Planned Development Regional Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

3. **Bill No. 09-34**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Henrietta Acton**, 2087 Highway 45, Pineville, portion of **TMS #015-00-03-022** (3.3 acres) **from RNC, Rural and Neighborhood Commercial District to F-1, Agricultural District**. Council District No. 7.

[Recommended by Committee on Land Use]

4. **Bill No. 09-35**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnie Jean & Jonathan Craven**, 209 Eden Lane, Moncks Corner, **TMS #141-00-02-010** (12.05 acres) **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District**. Council District No. 6.

[Recommended by Committee on Land Use]

5. **Bill No. 09-36**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Joseph McComb** for the Headless Pelican, 1006 Fogarty Lane, Wando, **TMS #263-00-03-080** (0.69 acres) **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 2.

[Recommended by Committee on Land Use]

6. **Bill No. 09-37**, an **ordinance** authorizing the execution and delivery of a second amendment to fee agreement between Berkeley County, South Carolina and **RG-MWV, LLC**; and matters relating thereto.

[Recommended by Committee on Finance]

7. **Bill No. 09-39**, an **ordinance** authorizing the conversion of a lease agreement pursuant to Title 4, Chapter 12 of the Code of Laws of South Carolina, 1976, as amended, to a Fee Agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended, and approving the assignment of the interests of **Pig Center, LLC**, in such converted fee agreement to **JL WOODE LTD., LLC** or an entity or entities owned in whole or part by **JL WOODE LTD., LLC** or one or more of its principals and subsequent assignments related thereto, including through the use of one or more qualified intermediaries; the entering into of certain agreements including the aforesaid fee agreement; and others matters related thereto.

[Recommended by Committee on Finance]

SECOND READING:

1. **Bill No. 09-30**, an **ordinance** authorizing the amended and restated Fee In lieu of Tax Agreement (the “amended and restated fee agreement”) by and between Berkeley County, South Carolina and **HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC, HW BERKELEY PHASE II-C, LLC, HLIT IV SC-1, L.P. AND HLIT IV SC-2, L.P.** (the “parties”), and the bifurcation thereof, the result of which shall be two separate amended and

restated fee in lieu of tax agreements titled as follows: (1) the amended and restated fee in lieu of tax agreement by and between Berkeley County, South Carolina and **HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC AND HW BERKELEY PHASE II-C, LLC** (“phase two”); and (2) the amended and restated fee in lieu of tax agreement by and between Berkeley County, South Carolina and **HLIT IV SC-1, L.P. AND HLIT IV SC-2, L.P.** (“phase one”), in consideration of additional on-going investment by the company; and other matters relating to the foregoing.

2. Bill No. 09-38, an ordinance to amend the Code of Ordinances, Berkeley County, South Carolina, regarding the regulation of the use of public and private water distribution systems.

[Recommended by Committee on Water and Sanitation]

3. Bill No. 09-40, an ordinance to amend Ordinance No. 97-4-18 to allow for changes in the preference that is given to businesses in Berkeley County, the State of South Carolina, and Minorities in the awarding of county contracts.

[Recommended by Committee on Public Works and Purchasing]

FIRST READING:

1. Bill No. 09-41, an ordinance to amend and clarify certain sections of Ordinance Number 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, “Berkeley County Zoning Ordinance” and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of an Arterial Roads Overlay District.

[Recommended by Committee on Land Use]

2. Bill No. 09-42, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002 (0.51 +/- acres), from R-1, Single Family Residential District to PD-OP/IP, Planned Development Office Park/Industrial Park District. Council District No. 5.

[Recommended by Committee on Land Use]

3. Bill No. 09-43, an ordinance amending Ordinance Number 09-07-35 providing for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the Tall Pines Special Tax District revenues and expenditures.

[Recommended by Committee on Finance]

4. Bill No. 09-44, an ordinance authorizing the execution and delivery of a Fee Agreement between Berkeley County, South Carolina and Joseph T. Ryerson & Son, Inc.; and matters relating thereto.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. **RESOLUTION** providing for the **Transfer of Funds** in the **2008-2009 Berkeley County Budget** for County purposes other than as specified in said Budget.
[Recommended by Committee on Finance]
2. **RESOLUTION** providing for the **Transfer of Funds** in the **2009-2010 Berkeley County Budget** for County purposes other than as specified in said Budget.
[Recommended by Committee on Finance]
3. **RESOLUTION** providing that under certain conditions, Berkeley County will enter into an agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina with **Joseph T. Ryerson & Son, Inc.**
[Recommended by Committee on Finance]
4. **RESOLUTION** of the County Council of Berkeley County, South Carolina, approving the assessments as set forth in the Assessment Roll of the **Jedburg Road Improvement District and the Jedburg Road Improvement Plan**, as adopted by County Council in Ordinance Number 09-02-05, pursuant to Title 4, Chapter 35, of the Code of Laws of South Carolina 1976, as amended.
[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
 - a. Benefits update.
 - b. Grievance Committee appointment.
2. **Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
3. **Committee on Public Works and Purchasing.**
Council Member, Mr. Robert O. Call, Jr., Chairman.
 - a. Bid Correction: Medical Supplies and Medications for Berkeley County Emergency Medical Services.
 - b. Municipal Lease Purchase Financing.
 - c. Standardization of Heavy Equipment.
 - d. Sole Source request for certain heavy equipment.
4. **Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
 - a. Transfer of pool fire fees.

- 5. Committee on Water and Sanitation.**
Council Member, Mr. Timothy J. Callanan, Chairman.
- 6. Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
- 7. Committee on Community Services.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
 - a.** Shelving expansion for Daniel Island Library – (no additional funds required.)
- 8. Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

DEVON FOREST SPECIAL TAX DISTRICT

LIBRARY BOARD

MENTAL HEALTH BOARD

SANGAREE SPECIAL TAX DISTRICT

SPECIAL FIRE TAX DISTRICT ADVISORY COMMISSION

TALL PINES SPECIAL TAX DISTRICT

Mr. Terry Hess, Council District No. 4 (replacing Mr. Mark Blevins)

TAX ASSESSMENT REVIEW BOARD

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE OCTOBER 2009, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY OCTOBER 26, 2009, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND OTHER COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

September 23, 2009
S/Barbara B. Austin, CCC
Clerk of County Council